

Appl. No.09/629,080
Amdt. Dated XXX, XX, 2003
Reply to Office action of December 31, 2003

Docket No. SUN-P4677

REMARKS/ARGUMENTS

The First 35 U.S.C. § 103 Rejection

Claims 1, 5-7, 23, 26, 30-32, 35, 36 and 40-42 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hawkins¹ in view of Pawlan² among which claims 1, 23, 26, and 35 are independent claims. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.³

Specifically, the Office Action contends that the elements of the presently claimed invention are disclosed in Hawkins, except that Hawkins does not teach specifying a system program input⁴. The Office Action further contends that Pawlan teaches a kit including libraries of system program files used in the development of Java programs, where the libraries are specified as being used in an application program, hence inputting the libraries into the application, and that it would be obvious to one having ordinary skill in the art at the time of the invention to incorporate Pawlan into Hawkins. The Applicants respectfully disagree for the reasons set forth below.

¹ U.S. Patent 6,536,035

² Monica Pawlan, "JDK 1.2 Roadmap: All Things New with JDK" (March 1998)

³ M.P.E.P. § 2143.

⁴ Office Action ¶ 2.

Neither Hawkins nor Pawlan teaches or suggests "creating at least one library file containing only application program files loaded during said first execution of said main program unit." In response to Applicant's arguments in response to the previous Office Action, the final Office Action states "Hawkins, however, does teach analyzing, tracing, and archiving application classes in a library file (Column 8, lines 5-12). Note that, Hawkins, in order for 'analyzing a running application to trace...within the application' (Column 8, lines 5-6) then certainly applications program files and system program files must have been distinguished."

Applicant maintains that just because Hawkins may distinguish between application program files and system program files when analyzing and tracing application classes, that does not mean that it teaches or suggests distinguishing between application program files and system program files when creating at least one library file. Specifically, at no point does Hawkins teach or suggest saving a library file having *only* application program files.

Hawkins teaches analyzing a running application to trace the first instantiation of classes, and then grouping the classes in a way so that they are loaded sequentially in a manner that reduces perceptible delays (according to *when* they are loaded).⁵ These groupings have nothing to do with whether the classes are in application program files or system program files. In short, Hawkins doesn't care about what type of classes are loaded, it only cares about *when* the classes are loaded. Hence, there is absolutely no reason why Hawkins would exclude system program files from an archive, as it would run directly counter to the ultimate goal of Hawkins. If a system program file was, for example, executed in the very first line of the main program code,

⁵ See Col. 5, lines 16-32.

Appl. No.09/629,080
Amdt. Dated XXX, XX, 2003
Reply to Office action of December 31, 2003

Docket No. SUN-P4677

excluding it from the archive would result in a significant time delay and render the invention completely ineffective.

The Second 35 U.S.C. § 103 Rejection

Claims 2-4, 27-29 and 37-39 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hawkins in view of Pawlan, and further in view of Weber⁶. This rejection is respectfully traversed.

The argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Request for Allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

⁶ Joseph L. Weber, "Special Edition Using Java 2 Platform" (1998)

Appl. No.09/629,080
Amdt. Dated XXX, XX, 2003
Reply to Office action of December 31, 2003

Docket No. SUN-P4677

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Request for Entry of Amendment

Entry of this Amendment will place the Application in better condition for allowance, or at the least, narrow any issues for an appeal. Accordingly, entry of this Amendment is appropriate and is respectfully requested.

Respectfully submitted,
THELEN REID & PRIEST LLP

Dated: _____

Marc S. Hanish
Reg. No. 42,626

THELEN REID & PRIEST LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax (408) 287-8040